



U.S. Department of Justice

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Northern District of California*

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February 4, 2022

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Re: United States v. Carlos E. Kepke, 3:21-cr-00155-JD (N.D. Cal.)

Dear Counsel:

Pursuant to your request for discovery, we have mailed a hard drive containing 474.3 GB of data to the address you provided. The password for the drive will follow by separate email. Please note that all discovery in this matter is covered by the Protective Order entered by the Court on June 8, 2021 (ECF No. 13). This production consists of evidence from the following sources:

Evatt TAMINE:

- ET_0000000001 ET_0000064900
- ET_0000064901 ET_0000519315
- ET_0000519316 ET_0000596907
- ET_0000596908 ET_0000703407
- ET_0000703408 ET_0000824474
- ET_0000824475 ET_0001238892
- ET_0001238893 ET_0001457101
- ET_0001457102 ET_0001557712
- ET_0001557713 ET_0001681447
- ET_0001681448 ET_0001827412
- ET_0001827413 ET_0001999115
- ET_0001999116 ET_0002131486
- ET_0002131487 ET_0002245449
- ET_0002245450 ET_0002351090

Bermuda Police Service

- DOC_000000001 DOC_000044671
- MLATSW_000001 MLATSW_023663
- MLATSW_023664 MLATSW_028077

Robert Smith:

- RFS-0003145 RFS-0003425
- BT_00071532 BT_00071811

Vista Equity Partners:

- VISTA0340190 VISTA0340190
- VISTA0348132 VISTA0348155
- VISTA0348198 VISTA0348292

The government will make available for your inspection any item of evidence referred to in the enclosed reports and documents, as well as any other evidence seized from your client and/or which the government intends to offer in its case-in-chief. Please contact me to arrange a mutually convenient time for your inspection of such items.

The enclosed materials and any future discovery provided to you which may exceed the scope of discovery mandated by the Federal Rules of Criminal Procedure, federal statute, or relevant case law is provided voluntarily and solely as a matter of discretion. By producing such materials to you, the government does not waive its right to object to any future discovery requests beyond the ambit of its legal obligations. We reject any suggestion that the criminal local rules, including Criminal Local Rule 16-1(c), serve as valid authority for any substantive discovery obligations beyond that required under the applicable federal statutes and rules (e.g., Rule 16 and Jencks).

Notice Re: FRE 404(b), 608, 609

The government also hereby gives notice that it may seek to introduce the other crimes, wrongs or acts committed by defendant which are referenced in the enclosed documents pursuant to Rules 404(b), 608 and/or 609 of the Federal Rules of Evidence.

Request for Reciprocal Discovery

With this letter the government requests all reciprocal discovery to which it is entitled under Federal Rules of Criminal Procedure 16(b) and (c) and 26.2, including, but not limited to, the following:

1. Inspection and/or copies of all books, papers, documents, photographs, tangible objects, or portions thereof in the possession, custody, or control of the defendant and which the defendant intends to introduce as evidence in his case-in-chief at trial.
2. Inspection and/or copies of the results of any reports of physical or mental examinations and of scientific tests or experiments made in connection with the above-entitled case within the possession or control of the defendant which the defendant intends to introduce as evidence in his case-in-chief at trial or which have been prepared by a witness whom the defendant intends to call at trial.
3. Inspection and/or copies of all statements made by all witnesses whom the defendant intends to call at trial.

Request for Notice of Defenses

The government also requests notice of any intention of your client to rely on an entrapment defense or a defense involving mental condition or duress, and/or an alibi defense for the charged offenses.

Plea Negotiations:

I do not have the authority to make any binding plea offer in this matter. If you wish to discuss a disposition of this matter, please be advised that all discussions are about a tentative disposition only and will not be final unless and until the final disposition is approved by the United States Attorney or an appropriate designee. Please do not assume that I have received such approval based on discussions between us or the exchange of draft plea agreements. I will advise you in writing if and when our plea negotiations have resulted in a plea agreement approved by the United States Attorney or an appropriate designee.

Please contact me if you have any questions concerning the foregoing.

Very truly yours,

STEPHANIE M. HINDS
United States Attorney

s/ Michael G. Pitman
MICHAEL G. PITMAN
Assistant United States Attorney